

A RESOLUTION RATIFYING AND
APPROVING DECLARATORY RESOLUTION
91-75 OF THE FORT WAYNE
REDEVELOPMENT COMMISSION AND THE
APPROVING RESOLUTION OF THE FORT
WAYNE CITY PLAN COMMISSION

WHEREAS, the Fort Wayne Redevelopment Commission on
November 13, 1991, adopted Declaratory Resolution 91-75, said
Resolution approving the Jefferson/Illinois Road Economic
Development Plan, which Resolution is attached hereto and made
a part hereof and marked Exhibit "A"; and

WHEREAS, the Fort Wayne City Plan Commission adopted a
Resolution approving the Declaratory Resolution and Economic
Development Plan on November 25, 1991, a copy of said Resolution
being attached hereto and made a part hereof as Exhibit "B"; and

WHEREAS, pursuant to I.C. 36-7-14 et seq., the
Redevelopment Commission may not proceed with development in an
Economic Development Area until the approval of the Declaratory
Resolution by this Common Council; and

WHEREAS, this Common Council has reviewed said Resolutions
and desires to approve same.

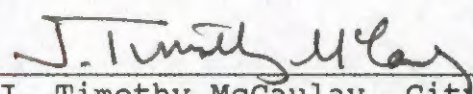
NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:

SECTION 1. Declaratory Resolution 91-75 of the Fort
Wayne Redevelopment Commission, attached hereto as Exhibit "A"
and the Resolution of the Fort Wayne City Plan Commission,
attached hereto as Exhibit "B", are hereby approved, ratified
and confirmed.

SECTION 2. This Resolution shall be in full force and
effect from and after its passage and approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

RESOLUTION 91-75

DECLARATORY RESOLUTION
JEFFERSON/ILLINOIS ROAD ECONOMIC DEVELOPMENT AREA

WHEREAS, the Fort Wayne Redevelopment Commission has made investigations, studies, and surveys of areas that would attract a major private development which would promote significant job opportunities within the City of Fort Wayne, Indiana, and the causes which would prevent such a development from occurring in such an area; and

WHEREAS, such investigations, studies, and surveys have been made in cooperation with the various departments and bodies of said City and have been directed toward determining the proper use of land and improvements thereon so as to best serve the interests of the City and its inhabitants, both from the standpoint of human needs and economic values, and as a result of such investigations, studies, and surveys, the Commission has found that the area described herein will attract a major private development and provide significant job opportunities for the citizens of Fort Wayne. Specifically, the following described area in the City of Fort Wayne, Indiana, is found and declared to be lacking in adequate public improvements to such an extent that such conditions cannot be corrected by regulatory processes or by the ordinary operations of private enterprise, without resort to the provisions of the Redevelopment of Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981) of the General Assembly of the State of Indiana, as amended and supplemented and which area is bounded and described in Exhibit A, attached hereto and incorporated by reference herein; and that the public health and welfare would be benefitted by the development of such area under the provisions of said Act; and

WHEREAS, the Commission has heretofore caused to be prepared maps and plats showing the boundaries of the herein described Economic Development Area, the location of the various parcels of property, streets, alleys, and other features affecting the development of such area and the portions of the area which are to be devoted to streets, alleys, sewerage, playground and other public purposes; and

WHEREAS, there was presented to this meeting of the Governing Body of the City of Fort Wayne, Department of Redevelopment, for its consideration and approval, a copy of the Economic Development Plan for the area comprising the major private development consisting of 11 pages and 4 exhibits; and

WHEREAS, this Commission has, at a meeting open to the public, heard evidence and reviewed the maps and plats presented at the meeting and has considered same.

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne Redevelopment Commission that the Economic Development Plan for the Jefferson/Illinois Road Economic Development Area, dated November 13, 1991, is hereby approved.

BE IT FURTHER RESOLVED that in all proceedings relating to the development of the herein described area the same shall be referred to as the Jefferson/Illinois Road Economic Development Area.

BE IT FURTHER RESOLVED that the Commission now declares the herein described area lacking in adequate public improvements to facilitate a major private development and a menace to the social and economic interests of the City of Fort Wayne and its inhabitants and that the development of such area shown on the above referenced maps and plats under the provisions of the Redevelopment of Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981) of the General Assembly of the State of Indiana, as amended and supplemented, will be of public utility and benefit.

BE IT FURTHER RESOLVED that the Commission now makes the following findings:

- a. The Plan for the Economic Development Area will promote significant opportunities for the gainful employment of the citizens of Fort Wayne, Indiana, by attracting a major new business enterprise to the City.
- b. The Plan for the Economic Development Area cannot be achieved without the designation of the area as an Economic Development Area because of the lack of local public improvements, including improvements to Illinois Road, Jefferson Boulevard, and Ardmore Avenue, and the lack of development of major portions of the area as a result of the multiple ownership of the parcels which has reduced the value of the land below that of parcels adjacent to the Economic Development Area.
- c. The ordinary operation of private enterprise and regulatory processes have failed to correct the conditions noted in the Economic Development Area.
- d. The public health and welfare will be benefitted by accomplishment of the Plan for the Economic Development Area.
- e. The accomplishment of the Plan for the Economic Development Area will be a public utility and benefit to the City Fort Wayne in that the accomplishment of the Plan will result in the attraction of many new jobs, will increase the property tax base, and will result in an improvement of the transportation network in the area.
- f. The Plan for the Economic Development Area conforms to other development and redevelopment plans for the City of Fort Wayne.

BE IT FURTHER RESOLVED pursuant to Section 36-7-14-39 of the Redevelopment of Blighted Areas Act of 1981, as amended and supplemented, that:

- a. As used in this Resolution for the purposes of distribution and allocation of real property taxes, "allocation area" means all of the area described in Exhibit A to this Declaratory Resolution.
- b. Any real property taxes hereafter levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable real property and the allocation area described in this Resolution shall be allocated and distributed as follows:
 1. Except as otherwise provided in this section, the proceeds of such taxes attributable to the lesser of:
 - i. the assessed value of such property for the assessment date with respect to which the allocation and distribution is made, or
 - ii. the net assessed value of all such property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of this Resolution; shall be allocated to and when collected paid into the funds of the respective taxing units.
 2. Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that

may be used by the redevelopment district only to one or more of the following;

- i. pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area;
 - ii. establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area;
 - iii. pay the principal and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under I.C. 36-7-14-27;
 - iv. pay the principal of and interest on bonds issued by the City of Fort Wayne to pay for local public improvements in or serving the allocation area;
 - v. pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area;
 - vi. make payments on leases payable from allocated tax proceeds in that allocation area under I.C. 36-7-14-25.2;
 - vii. reimburse the City of Fort Wayne for expenditures made by it for local public improvements [which include buildings, parking facilities, and other items described in I.C. 36-7-14-25.1(a)] in or serving the allocation area;
 - viii. reimburse the City of Fort Wayne for rentals paid by it for buildings or parking facilities in or serving the allocation area under any lease entered into under I.C. 36-1-10;
 - ix. pay all or a portion of a property tax replacement credit to taxpayers in the allocation area as determined by the Commission by separate resolution; or
 - x. pay expenses incurred by the Redevelopment Commission for local public improvements that are in the allocation area or are serving the allocation area [which include buildings, parking facilities, and other items described in I.C. 36-7-14-25.1(a)].
3. When the monies in the allocation fund are sufficient to pay when due all principal and interest on bonds described herein, and is not needed for the other purposes described herein, monies in the allocation fund in excess of that amount shall be paid to the respective taxing units in the manner provided in subdivision (1) of this section.

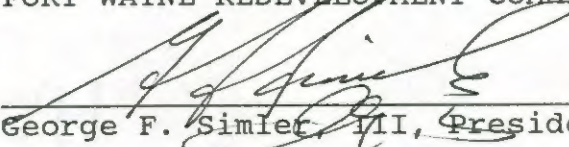
BE IT FURTHER RESOLVED that a copy of this Resolution, together with said Economic Development Plan and supporting data be submitted to the City Plan Commission of Fort Wayne for examination by that body and its determination as to whether this Resolution

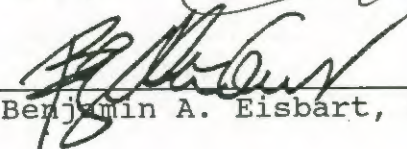
and said Economic Development Plan conform to the master plan of development for said City and for its written order approving or disapproving this Resolution and said Economic Development Plan.

BE IT FURTHER RESOLVED that if an approving order is issued by said City Plan Commission, that same shall be transmitted to the Common Council of the City of Fort Wayne for its approval.

BE IT FURTHER RESOLVED that upon receipt of the written order of approval of said City Plan Commission and the approval of the Common Council of the City of Fort Wayne a notice shall be published in accordance with the requirements of the Indiana Code fixing a date for the receiving and hearing of remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and for the final determination of the public utility and benefit thereof.

FORT WAYNE REDEVELOPMENT COMMISSION


George F. Simler, III, President


Benjamin A. Eisbart, Secretary

ADOPTED: November 13, 1991

Exhibit A

Legal Description

Part of Lots 10, 11, 12, 13, 14, 15, 16, 17, 19, 22 and 23 in Edsall's Subdivision of LaGro Reserve, according to the plat thereof, recorded in Deed Record 30, Page 160, in the Office of the Recorder of Allen County, Indiana, together with the part of LaGro Reserve lying south of Lots 11 through 17 inclusive, east of Lots 19, 22 and 23 and northwest of the northwest right-of-way line of U.S. Highway 24, all located in Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point on the south right-of-way line of Illinois Road (formerly State Road 14, right-of-way established by Project 387[5]1963), said point being 75 feet south of the north line of Lot 12 in said Edsall's Subdivision and 120 feet east of the west line of said Lot 12; thence north 89 degrees 13 minutes 37 seconds east (assumed bearing base for survey) along said right-of-way line, a distance of 532.1 feet to the point of curvature of said right-of-way line; thence continuing along said right-of-way line, on a curve to the right having a radius of 2789.93 feet, a central angle of 21 degrees 32 minutes 20 seconds, an arc length of 1048.80 feet to Plan Station 390+00, 75 feet right; thence continuing along said right-of-way line south 64 degrees 12 minutes 43 seconds east a distance of 68.4 feet to Plan Station 390+70, 80 feet right; thence continuing southeasterly along said right-of-way line, introrsely concentric to the 2 degree 00 minute centerline curve to the right, an arc length of 515.2 feet to Plan Station 396+00, of which the subtended chord to the aforesaid course bears south 62 degrees 25 minutes 43 seconds east, a distance of 514.6 feet; thence continuing along said right-of-way line south 49 degrees 59 minutes 43 seconds east, a distance of 158.8 feet to Plan Station 397+63 (P.T.), as situated 95 feet normally distant southwestward of said highway centerline; thence continuing along said right-of-way line south 53 degrees 51 minutes 43 seconds east, a distance of 387.0 feet to Plan Station 401+50 and situated 95 feet normally distant southwestward of said highway centerline; thence continuing along said right-of-way line south 3 degrees 31 minutes 43 seconds east, a distance of 46.0 feet to a point situated 95 feet normally distant northwestward of the centerline of U.S. Highway 24 at Plan Station 1151+40; thence continuing along the U.S. Highway 24 right-of-way line as established by the aforesaid State Road 14 Project 387, south 46 degrees 57 minutes 17 seconds west, a distance of 441.3 feet to Plan Station 1147+00 as situated 65 feet normally distant northwestward of said highway centerline; thence continuing along said right-of-way line south 51 degrees 08 minutes 17 seconds west, a distance of 250.0 feet to Plan Station 1144+50 as situated 65 feet normally distant northwestward of said Highway centerline; thence continuing along said right-of-way line south 48 degrees 17 minutes 17 seconds west, a distance of 100.3 feet to Plan Station 1143+50 as situated 60 feet normally distant northwestward of said Highway centerline; thence continuing along said right-of-way line south 29 degrees 24 minutes 17 seconds west, a distance of 53.9 feet to Plan Station 1143+00 as situated 40 feet normally distant northwestward of said Highway centerline; thence continuing along said right-of-way line south 51 degrees 21 minutes west and parallel to said Highway centerline, a distance of 306.4 feet to a point of curve at Plan Station 1139+93.6; thence continuing southwesterly along said right-of-way line extrorsely concentric to the 0 degree 03 minute centerline curve to the left, an arc distance of 1233.7 feet to a point of tangent at Plan Station 1127+60.3; thence continuing south 50 degrees 48 minutes west along said right-of-way line tangent, a distance of 72.0 feet to the east corner of a 10.19 acre tract conveyed by the instrument recorded in Deed Record 716, Page 587, as situated 972 feet (940.0 feet, by deed) north 50 degrees 48 minutes east of the intersection of said right-of-way line by the east line of Lot 27 in Edsall's Subdivision of LaGro Reserve; thence north 39 degrees 12 minutes west, a distance of 480.0 feet; thence south 87 degrees 30 minutes west, a distance of 456.8 feet (459.93 feet, by deed) to a point on the east line of Lot 23 in Edsall's Subdivision; thence south 0

degrees 42 minutes 01 seconds east along the east line of said Lot, a distance of 121.08 feet; thence south 89 degrees 30 minutes 18 seconds west along the north line of Fleck's Amended Addition, a distance of 686.32 feet; thence north 0 degrees 20 minutes 08 seconds west, a distance of 294.09 feet; thence south 89 degrees 21 minutes 28 seconds west, a distance of 68.0 feet; thence north 0 degrees 20 minutes 08 seconds west, a distance of 578.57 feet to a point on the north line of Lot 22 in Said Subdivision; thence north 89 degrees 30 minutes east along said north line a distance of 261.11 feet; thence north 0 degrees 34 minutes 41 seconds east a distance of 463.58 feet to a point on the north line of Lot 19 in said Subdivision; thence south 89 degrees 05 minutes 18 seconds west along said line a distance of 200.53 feet; thence north 0 degrees 05 minutes 08 seconds east, a distance of 340.0 feet; thence north 89 degrees 05 minutes 18 seconds east, a distance of 215.10 feet; thence south 0 degrees 19 minutes 45 seconds east, a distance of 141.89 feet; thence north 89 degrees 13 minutes 37 seconds east, a distance of 150.0 feet; thence north 0 degrees 19 minutes 45 seconds west, a distance of 300.0 feet; thence north 89 degrees 13 minutes 37 seconds east, a distance of 328.50 feet; thence north 0 degrees 31 minutes 20 seconds west, a distance of 48.86 feet; thence north 89 degrees 13 minutes 37 seconds east, a distance of 120.0 feet; thence north 0 degrees 31 minutes 20 seconds west, a distance of 291.0 feet to the point of beginning, containing 121.38 acres of land more or less.

Also, all of West Jefferson Boulevard and the right-of-way associated therewith from an extension of the northeast property line of Lot 1 in Professional Park West Subdivision to and including its intersection with Ardmore Avenue;

Also, all of Ardmore Avenue and the right-of-way associated therewith from its intersection with West Jefferson Boulevard to and including its intersection with Illinois Road;

Also, all of Illinois Road and the right-of-way associated therewith from an extension of the west property line of the east 210 feet of the north 414.86 feet of Lot 11 in Edsall's Subdivision to and including its intersection with an extension of the east right-of-way line of Ardmore Avenue;

Also, all of Illinois Road South and the right-of-way associated therewith from its intersection with West Jefferson Boulevard to and including its intersection with Illinois Road.

FORT WAYNE PLAN COMMISSION

RESOLUTION

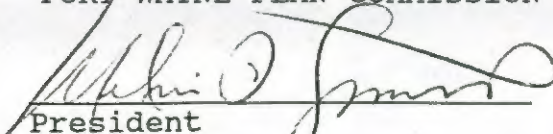
The Plan Commission of the City of Fort Wayne, Indiana, in its Business Meeting of November 25, 1991, having before it a copy of Declaratory Resolution 91-75, adopted by the Redevelopment Commission on November 13, 1991, and the Jefferson/Illinois Road Economic Development Plan, together with the supporting data, all of which having been duly considered, adopted, upon a motion by Steve Smith, and seconded by Robert Hutner, and by a vote of eight, the following resolution:


WHEREAS, at the Fort Wayne Plan Commission Business Meeting on November 25, 1991, the Fort Wayne Redevelopment Commission submitted to the Plan Commission a copy of Declaratory Resolution 91-75, and the Jefferson/Illinois Economic Development Plan, together with supporting data, all as required by the Redevelopment of Blighted Areas Act (36-7-14-16 of the Acts of 1980 of the General Assembly of the State of Indiana, as Amended and Supplemented) and said Resolution and Economic Development Plan having been duly considered by the Plan Commission, is found to be in conformance with the Master Plan of Development for the City of Fort Wayne.

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne Plan Commission that said Resolution and Economic Development Plan conforms to the Master Plan of Development for the City of Fort Wayne, and said Plan and the accompanying Declaratory Resolution are accordingly hereby approved.

BE IT FURTHER RESOLVED that the President of the Plan Commission is hereby authorized to deliver to the Redevelopment Commission and to the Common Council of the City of Fort Wayne a certified copy of this resolution which shall constitute the approving order of the Plan Commission, as required by law, approving Declaratory Resolution 91-75 and the Jefferson/Illinois Economic Development Plan.

FORT WAYNE PLAN COMMISSION


President


Secretary



MEMORANDUM

TO: City Council Members

FROM: Gregory A. ~~Parcell~~, Director of Community and Economic Development

DATE: December 10, 1991

RE: Approval of Declaratory Resolution 91-75,
Jefferson/Illinois Road Economic Development Area

Background:

On November 13 the Redevelopment Commission adopted Declaratory Resolution 91-75, approving the establishment of the Jefferson/Illinois Road Economic Development Area. The City Plan Commission followed with its approving order on November 25.

Council's approval of this measure is required by state statute, and will allow the Redevelopment Commission to proceed with the establishment of the Economic Development Area and issuance of approximately \$500,000 in Tax Increment Finance bonds to fund public improvements associated with the Apple Glen Development.

Recommendation:

Staff's recommendation is that the resolutions of the Redevelopment Commission and the Plan Commission be approved.

Q-91-12-17

Read the first time in full and on motion by Schmidt, seconded by Quadd, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 12-10-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Quadd, seconded by Quadd, and duly adopted, placed on its passage. PASSED ~~lost~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GIAQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 12-26-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ ~~(GENERAL)~~ ~~(SPECIAL)~~ ~~(ZONING MAP)~~ ORDINANCE RESOLUTION NO. Q-79-91 on the 26th day of December, 1991

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 22nd day of December, 1991, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 3rd day of January, 1992, at the hour of 11:40 o'clock PA M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

BILL NO. R-91-12-17

REPORT OF THE COMMITTEE ON FINANCE

MARK E. GIAQUINTA, CHAIRMAN
DONALD J. SCHMIDT, VICE CHAIRMAN
BRADBURY, REDD, BURNS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) RATIFYING AND APPROVING
DECLARATORY RESOLUTION 91-75 OF THE FORT WAYNE REDEVELOPMENT
COMMISSION AND THE APPROVING RESOLUTION OF THE FORT WAYNE CITY
PLAN COMMISSION

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Mark E. Giaquinta

Bradbury
D. Schmidt

DATED: 12-19-91

Sandra E. Kennedy
City Clerk

DIGEST SHEET

TITLE OF ORDINANCE Approval of Declaratory Resolution 91-75

DEPARTMENT REQUESTING ORDINANCE Redevelopment

SYNOPSIS OF ORDINANCE With this Resolution, the Common Council approves, ratifies, and confirms

Declaratory Resolution 91-75 of the Fort Wayne Redevelopment Commission (Exhibit A) and the

approving resolution of the Fort Wayne City Plan Commission (Exhibit B). This action is

necessary for the establishment of the Jefferson/Illinois Road Economic Development Area.

Q-91-12-17.

EFFECT OF PASSAGE Establishment of the Economic Development Area and the issuance of Tax

Increment Finance bonds.

EFFECT OF NON-PASSAGE The Redevelopment Commission may not proceed with the establishment of an

economic development area until the approving order of the Plan Commission is issued and approved by
the Common Council.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) Issuance of approximately

\$500,000 in Tax Increment Finance bonds.

ASSIGNED TO COMMITTEE (PRESIDENT) _____